



General Assembly

February Session, 2002

Raised Bill No. 5693

LCO No. 2338

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE DEFINITION OF A CRIME VICTIM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-1k of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) Except as otherwise provided by the general statutes, "victim of
4 crime" or "crime victim" means an individual who suffers direct or
5 threatened physical, emotional or financial harm as a result of a crime
6 and includes immediate family members of a minor, incompetent
7 individual or homicide victim and a person designated by a court
8 pursuant to subsection (b) of this section as a surviving domestic
9 partner of a homicide victim.

10 (b) During the pendency of a criminal proceeding, a court may
11 designate a person as the surviving domestic partner of a homicide
12 victim for the purposes of that proceeding if, after a hearing, it finds by
13 a preponderance of the evidence that, at the time of the victim's death,
14 neither such person nor the victim was married to any person, neither
15 such person nor the victim was ineligible to get married and such
16 person and the victim were in a committed relationship, shared a

17 common residence and held themselves out in the community as
18 husband and wife or as domestic partners.

19 Sec. 2. Section 54-85c of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective October 1, 2002*):

21 (a) For the purposes of this section, "representative of a homicide
22 victim" means the legal representative of a victim of a homicide, [or] a
23 member of such victim's immediate family selected by such family or a
24 person designated by the court pursuant to subsection (d) of this
25 section as the surviving partner of the victim. In the event of a dispute,
26 the court in its discretion may designate such representative.

27 (b) A representative of a homicide victim shall be entitled to be
28 present at the trial or any proceeding concerning the prosecution of the
29 defendant for the homicide, except that a judge may remove such
30 representative from the trial or proceeding or any portion thereof for
31 the same causes and in the same manner as the rules of court or
32 provisions of the general statutes provide for the exclusion or removal
33 of the defendant. No representative of a homicide victim may be
34 excluded from the proceedings under this section without a hearing.

35 (c) The failure of a representative of a homicide victim to exercise
36 any right granted by the provisions of this section shall not be cause or
37 ground for an appeal of a conviction by a defendant or for any court to
38 set aside, reverse or remand a criminal conviction.

39 (d) The court may designate a person as the surviving partner of the
40 victim if, after a hearing, it finds by a preponderance of the evidence
41 that, at the time of the victim's death, neither such person nor the
42 victim was married to any person, neither such person nor the victim
43 was ineligible to get married and such person and the victim were in a
44 committed relationship, shared a common residence and held
45 themselves out in the community as husband and wife or as domestic
46 partners.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

Statement of Purpose:

To provide that a surviving domestic partner of a homicide victim is included within the definition of "crime victim" and "representative of a homicide victim" for purposes of court proceedings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]